

10 agreement to the same, shall be valid and effectual  
 11 to give the same power and authority over all land  
 12 required for the construction of the Road, as if the  
 13 same had been conveyed by deed of bargain and  
 14 sale, or condemned upon petition, as aforesaid.

SEC XXVII. The said President and Directors, for the  
 2 purpose of constructing their Rail Road aforesaid, and  
 3 the works necessarily connected therewith, or of repair-  
 4 ing the same after they shall have been made, or of en-  
 5 larging or otherwise altering the same, shall be at lib-  
 6 erty by themselves, their officers, agents or servants, at  
 7 any time, to enter upon any adjacent lands, and to cut,  
 8 quarry, dig, take and carry away therefrom, any wood,  
 9 stone, gravel or earth, which they may deem necessary:  
 10 *Provided*, however, that they shall not, without the con-  
 11 sent of the owner, cut down any fruit tree, or any tree  
 12 preserved in any lot or field, for shade or ornament, nor  
 13 take any timber, gravel, stone or earth, constituting any  
 14 part of any building. For all wood, stone, gravel, or  
 15 earth, taken under authority of this Act, for all inciden-  
 16 tal injuries done to the inclosure, crops, wood or ground,  
 17 in taking & carrying away the same, the said President  
 18 & Directors shall make the owner a fair & reasonable  
 19 compensation, to be ascertained, if the parties cannot  
 20 agree, by any three impartial and disinterested free-  
 21 holders, who being appointed for that purpose by any  
 22 Justice of the Peace thereto required by the owner,  
 23 shall be sworn by him, and shall then ascertain the  
 24 compensation upon their own view, of the wood,  
 25 ground, earth or stone taken, and for the injury done  
 26 as aforesaid, in taking them. *Provided*, however, that  
 27 it shall be the duty of the owner or owners to show  
 28 to the Justice of the Peace to whom the application  
 29 is made, that ten days' previous notice of making the  
 30 same, has been given to the President or one of the  
 31 principal agents of the Rail Road Company; and no  
 32 award which may be given under any appointment,  
 33 without such notice, shall be obligatory or binding on